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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,383	12/03/2001	Eric Graves	APLE.P0015	6999

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EXAMINER

BHATNAGAR, ANAND P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,383

Applicant(s)

GRAVES ET AL.

Examiner

Anand Bhatnagar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 12-17 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-17 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's response filed on 12/19/05 has been entered and made of record.
2. Applicant's arguments, see remarks, filed 12/19/06, with respect to claims 6-8, 9-11, 18-20, 23, and 24 have been fully considered and are persuasive. The 35USC 102(b) rejection of claims 6, 8, 18-20, and 23 and 35USC 103(a) rejection of claims 7, 9-11, and 24 have been withdrawn. Applicant had previously canceled claims 6-11, 18-21, 23, and 24 and claims 1-5, 12-17, and 22 were the previously pending.
3. Applicant argues in essence in his previous argument, filed on 09/13/04, regarding claim 1, that the prior art Photoshop Manual 5.0 does not disclose, teach, or even suggest the separate operations of accepting a vector input that proportionally adjusts a color of pixels of a first selected luminance value in an image and adjusting a color of pixels with other luminance values in a manner related to a difference between said first selected luminance value and said other luminance value" and "does not disclose, teach, or even suggest adjusting the color of pixels with other luminance values (other than a first selected luminance value) in a manner related to a difference between the first selected luminance value and the other luminance value, as required by claim 1. In fact, the Photoshop Manual does not disclose, teach, or even suggest adjusting any parameter (color/chrominance, luminance, etc.) of pixels in this manner". Examiner disagrees. The photoshop manual discloses, on page 117 and 118, to

change the contrast of an image of inputted contrast values of the image. The change that is performed is the contrast being either increased by making the pixels brighter, i.e. increasing the luminance, by changing the white pixel value from 233 to 255 and the other pixels in the image are changed (proportionally) to brighter values based on the change of the white pixel values to 255 and vice versa to reduce the contrast. This changing of the brightness, i.e. luminance, of the pixels either up or down in brightness is a result change in the color of the pixels since luminance is one factor involved in making up the color values. As defined by Webster's dictionary, 10th edition, color is "1 a: a phenomenon of light (as red, brown, pink, or gray) or visual perception that enables one to differentiate otherwise identical objects b: the aspect of **objects and light sources that may be described in terms of hue, lightness, and saturation for objects and hue, brightness, and saturation for light sources.**" Therefore if the brightness/lightness is changed in an image then the colors of the pixels in the image are inherently changed. Also, Webster's dictionary, 10th edition, describes the **contrast** as "degree of **difference between the lightest and darkest** parts of a picture." Therefore, by changing the contrast of an image, i.e. the brightness/luminance/lightness then the colors of the pixels in the image are being changed. Also, since the other pixels are changed accordingly either lighter or darker based on the change made to the contrast meets the limitation of in a manner related to a difference between the first selected luminance value and the other luminance value since the contrast is a difference in luminance values

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and the first selected value can be the lowest value, 0, of the contrast of the image and the other luminance value can be the changed value of the pixels value from the value of 233. Examiner refers to the rejection below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by (Adobe photoshop 5.0 user manual).

Regarding claims 1 and 22: Adobe photoshop discloses a method of performing color correction on at least one image, said image comprised of a plurality of pixels (page 117 left column under the section "Setting the highlights and shadows using the Level sliders"), said method comprising:

accepting a first vector input from a first color adjustment pad, said first vector input proportionally adjusting a color of pixels of a first selected luminance value in said image (page 117 right column step 3, wherein the pixel value with

the highest brightness of 233 is changed, this pixel of 233 is read as a white pixel and is read as the first vector of luminance); and

adjusting a color of pixels with other luminance values in a manner related to a difference between said first selected luminance value and said other luminance value (page 117 right column step 3 and page 118 left column bottom paragraph, wherein the other pixels are adjusted accordingly to the change in the white pixel value).

Regarding claim 2: The method of performing color correction on at least one image wherein said first selected luminance value is a white luminance value. It is rejected for the same reason as claim 1.

Regarding claim 3: The method of performing color correction on at least one image wherein said first selected luminance value is a black luminance value (page 119 left column bottom paragraphs and page 120 right column under the section "Using the Curves Command", wherein any point from 0 to 255 can be changed and the zero point is the black pixels and the 255 is the white pixels).

Regarding claim 4: The method of performing color correction on at least one image as wherein said first selected luminance value is a middle luminance value (page 118 right column steps 4-6, where the midtones/gray pixels are changed/adjusted).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A.) Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over (Adobe photoshop 5.0 user manual) in view of Power et al. (U.S. patent 5,982,924)

Regarding claim 5: The method of performing color correction on at least one image wherein said manner related to a difference is performed using a Bezier curve.

Adobe photoshop discloses to modify parameters, such as color, brightness/luminance, hue, saturation, etc., of an image (adobe photoshop; page 109 left column). Adobe photoshop further teaches to change the values of all the other pixels accordingly based on the change made to a certain image parameter and can make changes using a curve and/or a color table (adobe photoshop; page 107 left column, page 117 right column bottom paragraph, page 118 whole page, page 120 right column). Adobe does not teach to use a Bezier Curve to make changes in an image (Power et al.; col. 11 lines 16-67). It would have been obvious to one skilled in the art to combine the teaching of Power et al. to that of Adobe photoshop because they are analogous in image color correction. One in the art would have been motivated to incorporate the teaching,

of using a Bezier curve, of Power et al. to that of Adobe photoshop in order to maximize preservation of the selected predetermined attributes of the full color image (Power et al. col. 4 lines 50-52).

B.) Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Adobe photoshop 5.0 user manual).

Regarding claim 12: Adobe photoshop discloses to change the parameters of the pixels in an image such as color, contrast, hue, saturation, etc. by dragging a triangle, in a window display, for the respective parameter in question and either increasing that's parameters value or decreasing it's value. The photoshop manual does not teach to "performing color correction on at least one image wherein said first color adjustment pad comprises a hue and saturation color wheel." Changing the parameters of a color image by using an adjustment pad is a matter of configuration since any device, such as a slider, push buttons, etc. can be configured to accomplish the same result.

Regarding claim 13: The method of performing color correction on at least one image wherein said manner related to a difference is linearly proportional to said difference. It is rejected for the same reason as claim 1 above.

Regarding claims 14-17: Adobe photoshop discloses to modify parameters, such as color, brightness/luminance, hue, saturation, etc., of an image (adobe photoshop; page 109 left column). Adobe photoshop further teaches to modify the white, gray, and black values/pixels and modify the rest of

the pixels in an image based on the changes made on these specific luminance pixels (Adobe photoshop; page 117 bottom paragraph in right column, page 118 whole page, and page 119 bottom paragraph left column). Adobe photoshop does not teach to make a first vector a white vector and a second vector a gray vector nor teaches a first vector to be a white vector, a second one to be a gray vector, and a third one to be a black vector. It is a matter of configuration of which order and combination of making corrections to the pixels.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

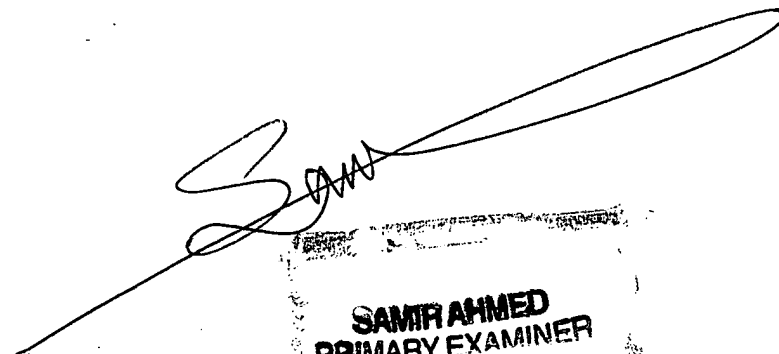
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (703) 306-5914, whose supervisor is Amelia Au whose number is 703-308-6604, group fax is 703-872-9306, and Tech center 2600 customer service office number is 703-306-0377.

AB



SAMIR AHMED
PRIMARY EXAMINER

Anand Bhatnagar

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January 05, 2006.